APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/542,274</td><td>Applicant(s)
CROW ET AL.</td></tr>
<tr><td>Examiner
Hoang-Vu A Nguyen-Ba</td><td>Art Unit
2122</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to the amendment filed November 3rd, 2003.

2.   Applicant's request for reconsideration of the finality of the rejection of the last
Office action in view of the inconsistency in the rejection of claims 1 and 10 is
persuasive and, therefore, the finality of that action is withdrawn.

3.   Claims 1-23 remain pending.

Response to Arguments

4.   <u>Rejection of claims under 35 U.S.C. § 102(e):</u>

Applicant's arguments that the U.S. Patent No. 6,256,772 to Apte et al.
("Apte A) does not teach an installation program component as claimed by
claim 10 is persuasive. Therefore, the rejection of claims 10 and 14 under 35
U.S.C. § 102(e) as being anticipated by Apte A is hereby withdrawn. However,
Applicant's argument necessitated the new grounds of rejection presented
herein.

5.   <u>Rejection of claims under 35 U.S.C. § 103(a):</u>

With respect to claim 1, Applicant argued that Barton teaches away from
a self-contained module with both functional and installation components such as
that claimed in claim 1. In response to this argument, it is noted that the language of
claim 1 does not clearly point out the self-contained module aspect. Therefore, the
rejection of these claims under 35 U.S.C. § 103(a) as being anticipated by Apte A in
view of Barton is considered still proper and maintained.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by

U.S. Patent No. 6,381,742 to Forbes et al. al. ("Forbes").

Claim 10

Forbes discloses at least:

a plurality of plugin modules, including at least a first plugin module comprised of an introspection interface portion, an installation program component and a program behavior portion (see at least see at least 6:28-8:25); *and*

a harness for evaluating the introspection interface portion of the first plugin module to determine if any resources are required for use of the program behavior portion of the first plugin module (see at least 6:28-8:25).

Claim 14

The rejection of claim 10 is incorporated. Forbes further discloses:

a loader component for loading a plugin module comprised of an introspection interface portion and a program behavior portion (see at least 6:28-8:25);

a validator component for interfacing with the introspection interface portion to identify any resources required by the plugin module (see at least 6:28-8:25); *and*

a finder component for surveying the computer system for any resources identified by the validator component (see at least 6:28-8:25).

Claim Rejections – 35 U.S.C. § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-3, 5, 7-9, 15 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,256,772 to Apte et al. ("Apte A") in view of U.S.

Patent No. 6,490,722 to Barton et al.

Claim 1

Apte A discloses at least:

          a functional component for providing a predetermined programming functionality (see

at least Figure 2, items 208, 210 and related discussion in the specification); *and*

          *a preprocessing interface component for providing introspective information about any

requirements of the functional component in response to a request from the host computer* (see at

least Figure 2, item 212; Figures 3A, 3B, item 302; and related discussion in the

specification).

          Apte A does not specifically disclose *an installation component that manages

installation of the functional components*. However, Barton teaches a software installation

system that manages installation of functional components (2:31- 3:52). It would have

been obvious to a person having ordinary skill in the art at the time the invention was made to combine Barton with Apte because the addition of Barton to Apte A would increase the flexibility of the scripting environment of Apte A.

Claim 2

The rejection of claim 1 is incorporated. Apte A further discloses that the preprocessing interface further comprises *a command sequence that identifies the functional component* (see at least Figures 3A, 3B, item 302 and related discussion in the specification).

Claim 3

The rejection of claim 1 is incorporated. Apte A further discloses that the preprocessing interface further comprises *executable object code that identifies the functional component* (see at least Figures 3A, 3B, item 302 and related discussion in the specification).

Claim 5

The rejection of claim 1 is incorporated. Apte A further discloses discloses that *the request from the host computer occurs when the module is required by a second module stored at the host computer* (see at least Figure 3A, item 302 and related discussion in the specification).

Claim 7

The rejection of claim 1 is incorporated. Apte A further discloses that *the introspective information provided by the preprocessing interface component comprises identification of an external module required by the functional component* (see at least 4:58-63).

Claim 8

The rejection of claim 1 is incorporated. Apte A further discloses that *the introspective information provided by the preprocessing interface component comprises identification of the type of functional component* (see at least Figure 3A, item 302, e.g., "queryRegisteredComponents()"; item 308; and related discussion in the specification).

Claim 9

The rejection of claim 1 is incorporated. Apte A further discloses that *the introspective information provided by the preprocessing interface component comprises identification of at least a first resource at the host computer that will be modified by the functional component* (see at least Figure 2, item 302, e.g., "getObject(name)"; and related discussion in the specification).

Claim 15

The rejection of claim 10 is incorporated. Claim 15 recites the same feature in claim 2; therefore, the same rejection is applied.

Claim Rejections – 35 USC § 103

10.   The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in

the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,772 B1 to Apte et al. ("Apte A"), as applied to the base claim in view of U.S. Patent No. 6,298,353 B1 to Apte ("Apte B").

Claim 6

Apte A does not specifically disclose that *the introspective information provided by the preprocessing interface component comprises version information for the module*. However, Apte A teaches checking serialization compatibility between versions of Java classes (see at least 6:17-29). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this feature in Apte A because this would increase the flexibility of Apte A's scripting environment component.

Claim 13

Claim 13 contains features similar to those in claims 5 and 6. As a result, this claim is rejected for the same reasons.

12.   Claims 4, 11, 12, 16, 17, 18, 19, 20-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,772 B1 to Apte A, as applied to the base claim in view of U.S. Patent No. 6,330,006 B1 to Goodisman.

Claim 4

Apte A does not specifically disclose that *the request from the host computer occurs as part of an installation of the module in the host computer*. However, Goodisman teaches a network system (see at least Figure 1) of local server computer (host or item 123) and

local computer 100 which can send and receive program code to and from the remote
server 126 through the local network 122, ISP 124, Internet 125. It would have been
obvious to a person having ordinary skill in the art at the time the invention was made
to use the scripting technique in component software architecture of Apte et al. in
combination with the network system of Goodisman because this would increase the
flexibility of the scripting environment of Apte A.

Claim 11

The rejection of claim 10 is incorporated. Apte A does not specifically disclose
that *a second computer connected to the first computer, where the second computer includes a first
resource required by the first plugin module that is transferred to the first computer upon request by
the plugin installation program component*. However, Goodisman teaches a network system
(see at least Figure 1) of local server computer (host or item 123) and local computer
100 which can send and receive program code to and from the remote server 126
through the local network 122, ISP 124, Internet 125. It would have been obvious to
a person having ordinary skill in the art at the time the invention was made to use the
scripting technique in component software architecture of Apte A in combination
with the network system of Goodisman because this would increase the flexibility of
the scripting environment of Apte A.

Claim 12

The rejection of claim 10 is incorporated. Apte A. does not specifically disclose
*a second computer connected to the first computer, where the second computer includes a first resource
required by the first plugin module that is transferred to the first computer upon request by the
harness*. However, Goodisman teaches a network system (see at least Figure 1) of local
server computer (host or item 123) and local computer 100 which can send and

receive program code to and from the remote server 126 through the local network 122, ISP 124, Internet 125. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the scripting technique in component software architecture of Apte A. in combination with the network system of Goodisman because this would increase the flexibility of the scripting environment of Apte A.

Claim 16

The rejection of claim 10 is incorporated. Claim 16 recites the same feature in claim 4; therefore, the same rejection is applied.

Claim 17

The rejection of claim 10 is incorporated. Apte A discloses *a plugin module* (see discussion in claim 10). Apte A that *the computer system is a client/server system*. However, Goodisman teaches a network system (see at least Figure 1) of local server computer (host or item 123) and local computer 100 which can send and receive program code to and from the remote server 126 through the local network 122, ISP 124, Internet 125. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the scripting technique in component software architecture of Apte A in combination with the network system of Goodisman because this would increase the flexibility of the scripting environment of Apte A.

Claim 18

The rejection of claim 10 is incorporated. Apte A discloses *a plugin module* (see discussion in claim 10). Apte A that *the computer system is a client/server system*. However, Goodisman teaches a network system (see at least Figure 1) of local server computer

(host or item 123) and local computer 100 which can send and receive program code
to and from the remote server 126 through the local network 122, ISP 124, Internet
125. It would have been obvious to a person having ordinary skill in the art at the
time the invention was made to use the scripting technique in component software
architecture of Apte A in combination with the network system of Goodisman
because this would increase the flexibility of the scripting environment of Apte A

Claim 19

Apte A discoses at least: *querying the interface portion of the first software module to
identify any resources required by the program module* (see at least Figure 2, item 212; Figures
3A, 3B, item 302; and related discussion in the specification). Apte A does not
specifically disclose the other two features of the claim.

However, Goodisman discloses *receiving a first software module* and *installing the first
software module if all resources required by the program portion are available* (see at least 4:41-
67).

It would have been obvious to a person having ordinary skill in the art at the
time the invention was made to combine Apte A with Goodisman because this
combination would increase the flexibility of the Apte A's scripting environment.

Claim 20

The rejection of claim 19 is incorporated. Apte A further discloses *retrieving any
resources required by the program portion that were identified as a result of querying the interface
portion prior to invocation of the first software module* (see at least Figure 3A, item 302, e.g.,
"queryRegisteredComponents()"; item 308, e.g., "getName()", "getObject()"; and
related discussion in the specification).

Claim 21

The rejection of claim 19 is incorporated. Claim 21 recites the same principle of retrieving resources recited in claim 20, whether it is a program portion or an installation portion of a software module. As a result, this claim is rejection for the same reasons.

Claim 22

The rejection of claim 19 is incorporated. Claim 22 recites the same feature in claim 5; therefore, the same rejection is applied.

Claim 23

The rejection of claim 19 is incorporated. Apte A does not specifically disclose *connecting to a remote computer over a telecommunication network and downloading the first software module from the remote computer*. However, Goodisman teaches a network system (see at least Figure 1) of local server computer (host or item 123) and local computer 100 which can send and receive program code to and from the remote server 126 through the local network 122, ISP 124, Internet 125. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the scripting technique in component software architecture of Apte A in combination with the network system of Goodisman because this would increase the flexibility of the scripting environment of Apte A.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Antony Nguyen-Ba, whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday - Friday from 6:15 – 3:45 p.m.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached at (703) 305-4552.

    Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Common Fax Number   (703) 872-9306

ANTONY NGUYEN-BA
PRIMARY EXAMINER
Art Unit 2122

November 24, 2003